

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 05-11166  
Non-Argument Calendar  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JANUARY 31, 2006 THOMAS K. KAHN CLERK
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D. C. Docket No. 04-60072-CR-KAM

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RICHARD HINDS,

Defendant-Appellant.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Florida  
\_\_\_\_\_

**(January 31, 2006)**

Before ANDERSON, DUBINA and HULL, Circuit Judges.

PER CURIAM:

In this direct appeal, Hinds challenges only his sentence. In light of the

Eleventh Circuit's recent decision, United States v. Garcia, 405 F.3d 1260 (11<sup>th</sup> Cir. 2005), which was handed down after the decision of the district court, we vacate and remand Hinds' sentence for the purpose of determining Garcia's relevance, if any, to the instant case. We express no opinion on the merits of the issues in the case.

The judgment of conviction is **AFFIRMED**, but the sentence is **VACATED** and **REMANDED**.